

APPEAL NO. 020857
FILED MAY 10, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 22, 2002. The hearing officer determined that (1) the compensable injury sustained on _____, extends to and includes the lumbar spine after October 29, 2001, and the compensable injury sustained on _____, extends to and includes cervical and thoracic injuries; and (2) the appellant (claimant) did not sustain a compensable injury on _____. The claimant appeals the hearing officer's determination with regard to the lumbar spine, on sufficiency grounds. (Carrier 1) concurs in the claimant's appeal and also requests reversal of the hearing officer's extent-of-injury determination with regard to the cervical and thoracic injuries. (Carrier 2) urges affirmance. Carrier 1's response, although timely as a response, was not timely filed as an appeal. See Section 410.202(a). Because the hearing officer's extent-of-injury determination with regard to the cervical and thoracic injuries was not timely appealed, it has become final, pursuant to Section 410.169.

DECISION

Affirmed as reformed.

The hearing officer did not err in determining that the claimant did not sustain a new compensable injury on _____, but experienced a continuation of her prior compensable injury. This was a question of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The claimant argues that the hearing officer misconstrued the evidence in reaching his decision, specifically an erroneous date in Finding of Fact No. 12. In view of the fact that the hearing officer used the accurate date in his "Statement of Evidence," we believe the use of the wrong date in Finding of Fact No. 12 is a mere typographical error and does not warrant reversal of the hearing officer's decision. We reform the finding to include the correct _____, date.

The decision and order of the hearing officer are affirmed as reformed.

The true corporate name of carrier 1 is **ZURICH NORTH AMERICA** and the name and address of its registered agent for service of process is

**GARY SUDOL
ZURICH NORTH AMERICA
12222 MERIT DRIVE, SUITE 700
DALLAS, TEXAS 75251.**

The true corporate name of carrier 2 is **TRAVELERS INDEMNITY COMPANY OF CONNECTICUT** and the name and address of its registered agent for service of process is

**CT CORPORATIONS SYSTEM
350 NORTH ST. PAUL
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Robert W. Potts
Appeals Judge